

REMARKS

The present Amendment revises independent claims 1 and 11 to further distinguish the invention from the cited references, as will be discussed in more detail below.

Dependant claims 7 – 9 have became redundant in view of the revisions to claim 1, so they are being canceled and the present Amendment. Additionally, the present Amendment adds new claims 12-16 to further protect the invention. Of these new claims, claim 15 is independent.

The Office Action rejects all of the original claims for anticipation by Foltle. The Foltle reference discloses a staple puller with that arrangement at its back end for grasping a straggler staple so that it can be pulled out. As is best showing in Foltle's Figure 6 this arrangement includes a pair of curved, open-ended slots 36 and 38. When the free leg of a straggler staple is placed in the slots and Foltle's jaw members are closed, the slots act as cams to slide the staple foreword (column 3, lines 47-52). The inner end of one of Foltle's slots is sharpened to form a cutting-edge (column 3, lines 22-25) that bites slightly into the staple leg (column 3, line 62 to column 4, line 1) in order to secure the staple, as is shown in Foltle's Figure 7. The staple can then be extracted.

Staple pullers are inexpensive tools that necessarily have lenient manufacturing tolerances. One problem with Foltle's device is that it would require precision manufacturing in order to work well, and precision is not economically justifiable in an inexpensive staple puller. Foltle himself stresses that his cutting edge should bite into a staple without severing it (column 3, line 72 to column 4, line 1). It will be apparent from Foltle's Figure 7, though, that only a small displacement of Foltle's cutting edge in one direction would be enough to cut the staple, while only a small displacement of the cutting-edge in the opposite direction would be enough to keep the cutting-edge from biting into the staple in an order to permit it to be extracted. Small displacements might arise, for example, due to slight mis-placement of the holes through which Foltle's pivot pin 12 extends or due to holes that are slightly larger in diameter than Foltle's pivot pin 12.

Independent claim 1 now provides that the first side wall has a first clamping surface and that a second side wall has an edge that provides a second clamping surface. Claim 1 also recites that "the first side wall has a slot and a flange at an edge of the slot, the flange providing the first clamping surface" and that " the first side wall has a major portion that includes the first tooth and that lies substantially in a plane, and the flange extends transverse to the plane so as to overlap the second clamping surface when the jaw members are in their closed position." The Office Action comments that Foltle has a flange 44, but Figure 7 of the reference shows a sharpened edge (not a flange) marked by reference number 44. Moreover, claim 1 recites that "the flange extends transverse to the plane so as to overlap the second clamping surface when the jaw members are in their closed position." Clearly, Foltle's alleged "flange" 44 does not overlap an edge that provides a second clamping surface when Foltle's jaw members are closed.

Independent claim 11 recites that at least one of the side walls "has a bent flange that provides a clamping surface, the clamping surface provided by the flange being aligned with an edge of another of the side walls so as to overlap said edge when the jaw members are in their closed position." In contrast, Foltle's edge 44 is not a "bent flange" and it does not overlap an edge that provides a clamping surface when Foltle's jaw members are closed.

New independent claim 15 is a Jepson-type claim which provides that a first jaw member has an edge that provides a first clamping surface. Claim 15 also provides that a second jaw member "has a closed slot that is surrounded on all sides by sheet metal, and a flange at an edge of the slot that is bent outward from the sheet metal adjacent the slot such that a side of the flange provides a second clamping surface that overlaps the first clamping surface when the jaw members are in their closed position." Foltle's slots extend inward from the outer edges of his sheet metal, and cannot be characterized as "closed" slots. Furthermore, Foltle's edge 44 is not "a flange ... that is bent outward from the sheet metal" and it does not overlap a first clamping surface.

The Office Action also rejects independent claims 1 and 11 (and most of the dependent claims) for anticipation by Li. Li's Figure 2 shows pliers at the back end of a

staple puller, and Li's Figure 4 shows how one of Li's jaw members is provided with its gripping surface, which extends from one side wall of the jaw member to the other side wall.

Li's staple puller suffers from a safety hazard. A careless user could easily get a finger or the web of his thumb between the jaws of Li's pliers while trying to remove the staple using the teeth of Li's staple puller.

Independent claim 1 provides that a second side wall has a second tooth and "an edge that provides a second clamping surface." Li's staple puller, however, has two flanges. It does not have a side wall that includes a tooth and also an edge serving as a clamping surface.

Claim 1 also provides that a first side wall "has a slot and a flange at an edge of the slot." Li's staple puller does not have a side wall with the "slot" of claim 1.

Independent claim 11 provides that at least one side wall has a bent flange that provides a clamping surface, with the clamping surface that is provided by the flange "being aligned with an edge of another of the side walls so as to overlap said edge when the jaw members are in their closed position." Li lacks a flange that overlaps an edge of a side wall. Instead, Li has overlapping flanges.

Independent claim 15 provides that a first jaw member has an edge that provides a first clamping surface. In contrast, both of Li's clamping surfaces are flanges. Li does not use an edge of the jaw member as a clamping surface.

Claim 15 also recites that a second jaw member "has a closed slot that is surrounded on all sides by sheet metal ...". Li lacks such a slot.

Since the remaining claims depend from the independent claims discussed above and recite additional limitations to further defined the invention, they are patentable along with their independent claims and need not be further discussed.

For the foregoing reasons, it is respectfully submitted that the application is now in condition for allowance. Reconsideration of the application is therefore respectfully requested.

Respectfully submitted,



L. Allen Wood (the applicant)
Registration No. 28,134
RABIN & BERDO, P.C.
Suite 500
1101 14th Street, N.W.
Washington, D.C.
Telephone: (202) 371-8976
Telefax: (202) 408-0924